

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MARILYN E. MATRE,

Plaintiff,

Case No. 3:11-cv-389

-vs-

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

:

UNITED STATES OF AMERICA,

Defendant.

ORDER STRIKING NOTICE OF VOLUNTARY DISMISSAL

This case is before the Court *sua sponte* upon the filing of Plaintiff's Notice of Voluntary Dismissal (Doc. No. 9). The Notice reads in its entirety "[i]n accordance with Fed. R. Civ. P. 41(a) the undersigned hereby voluntarily dismisses this action without prejudice.

The docket reveals that Defendant United States of America filed an Answer on March 30, 2012 (Doc. No. 4). Fed. R. Civ. P. 41 allows a plaintiff to dismiss without prejudice after an answer is filed only with permission of the Court or agreement of the opposing party.

Accordingly, the Notice of Voluntary Dismissal is STRICKEN.

August 30, 2012.

s/ *Michael R. Merz*
United States Magistrate Judge